

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

GREGORY KEITH CLINTON,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:20-CV-178
(GROH)**

**ELIZABETH D. GRANT, and
THE UNITED STATES OF AMERICA,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. LR PL P 2; see also 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Trumble issued his R&R on January 4, 2021. ECF No. 33. Therein, Magistrate Judge Trumble recommends that the Plaintiff’s Complaint [ECF No. 1] be denied and dismissed with prejudice for failure to state a claim upon which relief can be granted. ECF No. 33 at 6. The Plaintiff timely filed objections to the R&R on January 28, 2021. ECF No. 36. Accordingly, this matter is ripe for adjudication.

I. BACKGROUND

On September 18, 2020, the Plaintiff initiated this case by filing an action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). ECF No. 1. The complaint alleges that Defendants Elizabeth D. Grant, a United

States Attorney in Criminal Action No. 3:17-CR-5, and the United States violated his Fifth, Tenth, and Fourteenth Amendment rights. Id. The Plaintiff lists various grounds for relief, including identity theft, fraud, “treason to the Constitution” and “collusion in the creation of Constructive Trust Accounts that created Bonds Request No. EOUSA-2020-004020.” ECF No. 35 at 1–2. For relief, he requests the Court to award him monetary damages in the amount of 4 trillion, 3 billion, 839 million dollars (\$4,003,839,000,000.00). ECF No. 1 at 9.

Upon reviewing the record, the Court finds that the background and facts as explained in the R&R accurately and succinctly describe the circumstances underlying the Plaintiff’s claims. For ease of review, the Court incorporates those facts herein.

II. LEGAL STANDARDS

Pursuant to 28 U.S.C. § 636, a party may object to the magistrate judge’s findings and recommendations by timely filing written objections. 28 U.S.C. § 636(b)(1)(C). Under this Court’s Local Rules of Prisoner Litigation Procedure, the written objections must identify each portion of the magistrate judge’s recommended disposition that is being challenged and must specify the basis for each objection. LR PL P 12(b). The Court will then conduct a de novo review of “those portions of the report . . . to which objection is made[,]” and “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. 636(b)(1)(C); see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (stating that the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made).

However, the Court is not required to review objections to the magistrate judge’s

R&R that are not made with “sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007). Thus, “[w]hen a party does make objections, but the[] objections are so general or conclusory that they fail to direct the district court to any specific error by the magistrate judge,” the party waives his right to de novo review. Green v. Rubenstein, 644 F. Supp. 2d 723, 730 (S.D. W. Va. 2009). Objections that do not call the Court’s attention to “any specific error by the magistrate judge” are vague and conclusory, and do not merit review by the Court. Id.

III. DISCUSSION

The Plaintiff’s objections are largely incomprehensible and fail to present new material facts or legal arguments to Magistrate Judge Trumble’s findings and conclusions. For example, he objects to Magistrate Judge Trumble’s findings that the Plaintiff failed to present a plausible Bivens claim against the Defendants because (1) he failed to allege that Defendant Elizabeth Grant was a federal employee or agent and that she deprived him of a federal right, and (2) the United States government or a federal agency are improper parties in a Bivens action under FDIC v. Meyer and Correctional Services Corp. v. Malesko.¹ ECF No. 33 at 6. However, the Plaintiff fails to allege plausible facts to support his claim that Defendant Grant deprived him of a federal right, and he inadvertently supports the findings in the R&R by stating, “The United States Attorn[ey’s] Office is an agency of the Government.” ECF No. 36 at 3. Because the Plaintiff

¹ See FDIC v. Meyer, 510 U.S. 471, 484–86 (1994) (holding that federal agencies may not be held liable in a Bivens action); Corr. Servs. Corp. v. Malesko, 534 U.S. 61, 72 (2001) (clarifying that a federal prisoner may bring a Bivens claim against the offending individual federal officer and not the federal agency).

presents no specific objections, this Court will review the R&R for clear error.

IV. CONCLUSION

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 33] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Plaintiff's Complaint [ECF No. 1] is **DENIED** and **DISMISSED WITH PREJUDICE**. Additionally, the Plaintiff's Motion to Amend and Add Exhibits [ECF No. 37], wherein the Plaintiff seeks leave to file a letter that was attached to his objections, is **TERMINATED** as **MOOT**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the pro se Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: March 23, 2021



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE